

1 ROBERT HAWKINS #131159
2 CHAPTER 7 TRUSTEE
3 1849 NORTH HELM, SUITE 110
FRESNO, CALIFORNIA 93727
(559) 255-0555

4 Chapter 7 Trustee

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7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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11 In the Matter of Case No. 10-19581-B-7F
12 FRESNO LANDSCAPING, INC., DC No. RHT-4

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15 **TRUSTEE'S MOTION TO SELL
PROPERTY OUT OF THE
ORDINARY COURSE OF
BUSINESS AT PUBLIC AUCTION
(11 U.S.C. Sec. 363(b)(1);(f))**

16 Debtor.

Date: October 27, 2010
Time: 10:00 a.m.
Dept: B

17 _____ / Robert Hawkins, Chapter 7 Trustee, ("Trustee"), moves the Court as follows:

18 1. This Court has jurisdiction over this matter pursuant to 28 U.S. C. Section 1334(a).

19 This is a "core" proceeding pursuant to 28 U.S. C. Section 157(b)(2)(A), (N).

20 2. This case was commenced by the filing of a Chapter 7 petition on August 23, 2010.

21 Robert Hawkins was appointed Chapter 7 Trustee on or about August 23, 2010.

22 3. Among the assets of the estate are nursery inventory, including but not limited to, plants, statues and fountains from the debtor's retail nursery business.

23 4. The Trustee wishes to sell the subject asset so that the proceeds can benefit the estate.

24 The Trustee has elected to sell the subject asset by means of a public auction to be held on October 25, 2010 at 10:00 a.m. at Swedish Garden Center, 12099 East Stroud, Kingsburg, California.

26 5. The Trustee believes that the sale is in the best interests of the estate.

6. The Trustee is informed and believes that the assets to be sold are subject to a UCC
lien in favor of Bank of the Sierra (hereinafter "Creditor"). Creditor and the Trustee have agreed to
have the assets subject to the lien sold along with assets of the estate in order to maximize the
liquidation value. Creditor and the Trustee have agreed to allow the estate the sum of \$8,000.00
from the sale proceeds of any of assets subject to the lien. This sum represents approximately the
amount necessary to provide for the priority wage claims. Creditor will pay all their auctioneer costs
from the sale of secured assets.

7. The property proposed to be sold constitutes a portion of the personal property in possession of the debtor at the time the case was filed.

WHEREFORE, Movant prays as follows:

1. For an Order approving the public auction sale of the subject property described above to be held on October 30, 2010 at 10:00 a.m. at Swedish Garden Center, 12099 East Stroud, Kingsburg, California; and

2. For such other and further relief as the Court deems just and proper.

DATED: OCTOBER 6, 2010

ROBERT HAWKINS,
Chapter 7 Trustee